

CADES SCHUTTE
A LIMITED LIABILITY LAW PARTNERSHIP

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ORI ANUENUE HALE, INC. and
OPPORTUNITIES AND RESOURCES INC.

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF HAWAI'I

U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

vs

ORI ANUENUE HALE, INC.;
OPPORTUNITIES AND
RESOURCES, INC.; and
DOES 1-5, INCLUSIVE.

Defendants.

Case No. CV-21-00286-JMS-RT

**DEFENDANTS OPPORTUNITIES
AND RESOURCES INC.'S and ORI
ANUENUE HALE, INC.'S
CONCISE STATEMENT OF
FACTS IN OPPOSITION TO
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT;**

**DECLARATION OF NATHANIEL
DANG;**

**EXHIBITS A – S; CERTIFICATE
OF SERVICE**

HEARING MOTION:

Judge: Hon. J. Michael Seabright
Magistrate: Hon. Rom Trader
Hearing Date: February 20, 2024
Trial Date: May 29, 2024

**DEFENDANTS OPPORTUNITIES AND RESOURCES INC.'S and ORI
ANUENUE HALE, INC.'S CONCISE STATEMENT OF FACTS IN
OPPOSITION TO DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT**

DEFENDANTS OPPORTUNITIES AND RESOURCES, INC and ORI ANUENUE HALE, INC's (collectively, "**Defendants**") submit their Concise Statement of Facts in Opposition to Defendant's Motion for Summary Judgment:

I. RESPONSE

No.	Response	Support
1.	Admit.	
2.	Disputed. Defendants have a written reasonable accommodation policy.	Ex. A (01/09/2023 R. Fok Tr.) at 107:4-16; Ex. B (Nov. 14, 2018 Revised Reasonable Accommodation Policy, marked as Exhibit 11 to 01/09/2023 R. Fok Tr.); Ex. C (10/13/2022 J. Siaosi Tr.) at 49:20-20-22, 50:7-9.
3.	Disputed. Defendants have a written reasonable accommodation policy that contravenes statements made by Mrs. Cheung at her deposition cited by Plaintiff.	Ex. A (01/09/2023 R. Fok Tr.) at 107:4-16; Ex. B (Nov. 14, 2018 Revised Reasonable Accommodation Policy, marked as Exhibit 11 to 01/09/2023 R. Fok Tr.); Ex. C (10/13/2022 J. Siaosi Tr.) at 49:20-20-22, 50:7-9.
4.	Defendants' Human Resources has received no training regarding reasonable accommodations.	

No.	Response	Support
5.	Admit.	
6.	Admit. None were requested.	Ex. A (1/9/2023 R. Fok Tr.) at 120:22-121:18
7.	Admit, but of no moment.	
8.	Deny. No request was received by Defendants.	Ex. A (1/9/2023 R. Fok Tr.) at 120:22-121:18
9.	Deny. No request was received by Defendants.	Ex. A (1/9/2023 R. Fok Tr.) at 120:22-121:18
10.	Deny. No request was received by Defendants.	Ex. A (1/9/2023 R. Fok Tr.) at 120:22-121:18
11.	Admit.	
12.	Deny. Employees can let Defendants know in advance if they cannot attend. Employees, including Deaf employees, have missed multiple meetings without any repercussions.	Ex. C (10/13/2022 J. Siaosi Tr.) at 170:12-17; See Ex. I (5/11/23 E. Pelep Tr.) at 59:16-18, 60:23-25
13.	Admit.	
14.	Deny. The meetings have taken place only once or twice a year.	Ex. E (ORI-000937) (List of large meetings); Ex. F (1/10/2023 J. Siaosi Tr.) at 48:9-11, 49:11-13, 49:19-24, 51:21-23 , 59:12-14, 60:24-61:1, 62:21-23, 69:2-4, 75:24-76:1; Ex. G (12/07/23 J. Siaosi Tr.) at 198:1-8

No.	Response	Support
15.	Deny. Employees can let Defendants know in advance if they cannot attend. Employees, including Deaf employees, have missed multiple meetings without any repercussions.	Ex. C (10/13/2022 J. Siaosi Tr.) at 170:12-17; See Ex. I (5/11/23 E. Pelep Tr.) at 59:16-18, 60:23-25
16.	Deny. Unclear as to which “meetings” this fact refers to.	
17.	Admit as to “large” meetings.	
18.	Admit.	
19.	Admit.	
20.	Objection – whether constructive notice was provided is a legal conclusion, not a fact.	
21.	Deny. Defendants regularly communicated with Deaf employees via writing to ask whether they had any problems at work.	Ex. C (10/13/22 J. Siaosi Tr.) at 213:24-214:3
22.	Admit.	
23.	Deny. Defendants were aware that that the Deaf employees could communicate via writing because they did so regularly throughout their employment.	Ex. C (10/13/22 J. Siaosi Tr.) at 213:24-214:3; Ex. K (1/9/23 J. Siaosi Tr.) at 32:14-19; 27:18-24; 20:8-13
24.	Admit.	
25.	Admit.	
26.	Deny. This was an off-the cuff statement made at deposition. Objection – Relevance.	
27.	Deny. This was an off-the cuff statement made at deposition. Objection – Relevance.	

No.	Response	Support
28.	Deny. Defendants believe that they have provided reasonable accommodations because the alternative accommodations they have provided have always worked and no employee has complained.	Ex. C (10/13/22 J. Siaosi Tr.) at 213:24-214:3; Ex. K (1/9/23 J. Siaosi Tr.) at 32:14-19; 27:18-24; 20:8-13; Ex. K (1/9/23 Siaosi Tr.) at 80:17-21).
29.	Deny. This was an off-the cuff statement made at deposition. Objection – Relevance.	
30.	Admit. No request was received.	Ex. A (1/9/2023 R. Fok Tr.) at 120:22-121:18
31.	Admit.	
32.	Objection to relevance. The parties have stipulated that there is no undue burden defense.	
33.	Admit as to large meetings.	
34.	Admit.	
35.	Admit.	
36.	Deny. They knew based on their prior actions that handwritten notes were effective.	Ex. C (10/13/22 J. Siaosi Tr.) at 213:24-214:3; Ex. K (1/9/23 J. Siaosi Tr.) at 32:14-19; 27:18-24; 20:8-13
37.	Admit.	
38.	Deny. They are simple and self-explanatory.	<i>See</i> Ex. D (6/9/23 L. Fok Tr.) at 155:16-162:14; 163:9-11
39.	Admit.	
40.	Admit.	
41.	Admit.	

No.	Response	Support
42.	Deny. They were provided with effective accommodations.	Ex. K (01/09/23 J. Siaosi Tr.) at 57:9-13; Ex. C (10/13/22 J. Siaosi Tr.) at 213:24-214:3; Ex. K (1/9/23 J. Siaosi Tr.) at 47:24-48:2, 48:4-7; 48:10-12. Ex. L (Feb. 3, 2023 Rebuttal Expert Report of Robert C. Marvit, M.D., M.SC.), ¶¶ 13-16, 29-32, 40; Ex. I (5/11/23 Pelep Tr.) at 14:13-17:17; Ex. M (5/11/23 S. Prak Tr.) at 15:10-19:2; Ex. N (5/12/23 J. Secretaria Tr.) at 10:7-17, 12:25-13:8, 14:10-24; Ex. O (1/21/23 M. Alokoa Tr.) at 25:2-26:7, 62:18-19; Ex. P (12/4/23 J. Molina-Behic Tr.) at 23:6-17; Ex. Q (11/9/23 A. Cutler Tr.) at 16:22-23:3; Ex. R (12/4/23 R. Manzano Tr.) at 5:15-14:24, 15:3-7; <i>See</i> Ex. D (6/9/23 L. Fok Tr.) at 155:16-162:14, 163:9-11; <i>See</i> Ex. K (1/9/23 Siaosi Tr.) at 80:17-21).

DATED: Honolulu, Hawai‘i, January 30, 2024.

CADES SCHUTTE
A Limited Liability Law Partnership

/s/ Nathaniel Dang

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ORI ANUENUE HALE, INC. and
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